

### **REMARKS**

Reexamination and reconsideration of this application as amended is requested. By this amendment, Claims 15-16 have been amended. After this amendment, Claims 9-12, 15-16, and 19-20 remain pending in this application. Applicant submits that the present response and amendment places the application in condition for allowance. Entry of the present response with amendment is therefore respectfully requested.

### **ALLOWABLE SUBJECT MATTER**

Applicant wishes to thank Examiner Le for indicating the allowable subject matter of Claims 9-12 and 19-20.

### **CLAIM REJECTIONS UNDER 35 U.S.C. § 101**

The Examiner rejected Claims 15 and 16 under 35 U.S.C. § 101 alleging that the claimed invention is directed to non-statutory subject matter. In particular that Examiner states that "Claims 15-16 are not limited to tangible embodiments. In view of applicant's disclose, specification page 10, lines 17-21, the medium is not limited to tangible embodiments, instead of being defined as including both tangible embodiment (e.g., CD-ROM drive, hard disk drive or diskette) and intangible embodiments (e.g. network circuit, a transitory state medium such as through a network link and/or a wireless link). As such, the claim is not limited to statutory subject matter and is therefore non-statutory."

Applicant has amended Claims 15 and 16 to recite a "tangibly embodied computer readable medium" solely for the purpose of expediting the patent application process in a manner consistent with PTO's Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000). Applicant, however, respectfully disagrees in principle with the Office Action's rejection of Claims 15 and 16 under 35 U.S.C. § 101, because a

network circuit and a transitory state medium such as through a network link and/or a wireless link could be tangible in nature. Applicant believes that the "tangibly embodied" language added to Claims 15 and 16 now renders the claims patentable as required by the Examiner.

Accordingly, Applicant believes that the rejection of Claims 15 and 16, as discussed above, has been overcome. Applicant kindly requests that the Examiner withdraw the rejections of these claims, and further allow these claims to issue in a U.S. patent.

### **CONCLUSION**

The foregoing is submitted as a full and complete response to the Official Action mailed August 31, 2005, and it is submitted that Claims 9-12, 15-16, and 19-20 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of Claims 9-12, 15-16, and 19-20 is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**


The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account **50-0510**.

In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

Date: December 31, 2005

By: \_\_\_\_\_

  
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